



SF 284 – Eluding Law Enforcement Vehicles (LSB2387XS)

Analyst: Alice Wisner (Phone: (515)281-6764) (alice.wisner@legis.iowa.gov)

Fiscal Note Version – New

Description

[Senate File 284](#) enhances penalties for eluding marked law enforcement vehicles, and adds those penalties to eluding unmarked law enforcement vehicles.

Background

Current law provides for penalties for eluding (or attempting to elude) marked pursuing law enforcement vehicles. The penalties are:

- A serious misdemeanor if a driver eludes a marked official law enforcement vehicle, punishable by a fine of at least \$315 but no more than \$1,875 and imprisonment not to exceed one year. This Bill increases that penalty to an aggravated misdemeanor.
- An aggravated misdemeanor if the driver eludes a marked official law enforcement vehicle and exceeds the speed limit by 25 miles per hour or more, punishable by a fine of at least \$625 but no more than \$6,250 and imprisonment not to exceed two years. This Bill increases that penalty to a Class D felony.
- A Class D felony if the driver eludes a marked official law enforcement vehicle, exceeds the speed limit by 25 miles per hour or more, is participating in a public offense that is a felony, is operating while intoxicated, or has caused bodily injury to a person other than the driver. A Class D felony is punishable by a fine of at least \$750 but no more than \$7,500 and imprisonment not to exceed five years. This Bill increases that penalty to a Class C felony.
- A Class C felony if the driver eludes a marked official law enforcement vehicle and unintentionally causes the death of another person by eluding a marked law enforcement vehicle, punishable by a fine of at least \$1,000 but no more than \$10,000 and imprisonment not to exceed 10 years. This Bill increases the penalty to a Class B felony punishable by imprisonment not to exceed 25 years and is subject to a mandatory sentence.

The Bill adds unmarked law enforcement vehicles in the application for penalties, and permits a law enforcement agency to retain possession of the suspected eluding vehicle until final disposition of any criminal proceedings related to the violation.

Assumptions

- The following will not change over the projection period: charge, conviction, and sentencing patterns and trends; prisoner length of stay; revocation rates; plea bargaining; and other criminal justice system policies and practices.
- A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Marginal costs for county jails cannot be estimated due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15 per day.
- It cannot be estimated how many additional convictions will occur due to persons eluding unmarked law enforcement vehicles.

Impact

Correctional Impact

Penalties will be enhanced for instances where drivers are convicted of eluding marked law enforcement vehicles, and will also be applicable for instances where drivers elude unmarked

law enforcement vehicles. This will result in an increase in the number of offenders entering prison and Community-Based Correction (CBC) residential facilities, and their length of stay (LOS). **Table 1** below shows estimates for sentencing to State prison, parole, probation, or CBC residential facilities; LOS under those supervisions; and supervision marginal costs per day for convictions of Class B, Class C, and Class D felonies, as well as serious and aggravated misdemeanors. Refer to the LSA memo addressed to the General Assembly, [Correctional Impact Memo](#), dated January 30, 2017, for information related to the correctional system.

Table 1 – Sentencing Estimates and LOS

	Percent to Prison	Avg LOS Prison (months)	FY 16 Marginal Cost/Day Prison	Avg LOS Parole (months)	Percent to Probation	Avg LOS Probation (months)	FY 16 Avg Cost/Day Parole & Probation	Percent to CBC	FY 16 Marginal Cost/Day CBC	Percent to County Jail	Avg LOS County Jail (days)	Marginal Cost/Day Jail
Class B Felony (Non-Persons)	86.0%	33.5	\$18.51	33.4	29.1%	34.2	\$4.59	6.0%	\$10.28	56.0%	N/A	\$15.00
Class C Felony (Non-Persons)	75.0%	19.5	\$18.51	19.4	65.0%	34.9	\$4.59	12.0%	\$10.28	25.0%	N/A	\$15.00
Class D Felony (Non-Persons)	74.0%	11.7	\$18.51	13	67.0%	31.6	\$4.59	11.0%	\$10.28	27.0%	N/A	\$15.00
Aggrav Misd (Non-Persons)	20.0%	7	\$18.51	6.2	33.0%	19.8	\$4.59	2.0%	\$10.28	39.0%	27	\$15.00
Serious Misd (Non-Persons)	2.0%	5.9	\$18.51	N/A	60.0%	16.1	\$4.59	1.0%	\$10.28	72.0%	14	\$15.00

Minority Impact

This Bill would have a minority impact to the African-American community. In FY 2016, 18.0% of the persons convicted of eluding a law enforcement vehicle in Iowa were African-American. The U.S. Census estimate as of July 1, 2015, states that the Iowa population was 3.5% African-American. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Memo](#), dated January 30, 2017, for information related to minorities in the criminal justice system.

Fiscal Impact

Due to the lag time of six months before entry of the affected offenders into the correctional system, the full affect would not be experienced until FY 2019. During FY 2019, it is estimated that there would be 177 additional Class C felony convictions, 56 additional Class D felony convictions, a reduction of 39 aggravated misdemeanor convictions, and a reduction of 194 serious misdemeanor convictions due to this Bill. This could result in an estimated additional 162 admissions to prison, 23 additional placements on probation status, 25 additional admissions to CBC residential facilities, and 96 less admissions to local jail facilities. There were no convictions during FY 2016 related to eluding a marked official law enforcement vehicle and unintentionally causing the death of another person, so no increase in Class B felonies is estimated. **Table 2** below shows the estimated costs to the General Fund from the enhancement of penalties related to eluding of unmarked law enforcement vehicles.

Table 2 – Estimated Costs

Offense	Cost Range	Conviction Shift		Cost Increase Estimate	
		FY 2018	FY 2019	FY 2018	FY 2019
Class B Felony	\$9,500 - \$33,700	0	0	\$0	\$0
Class C Felony	\$7,500 - \$18,600	89	177	\$1,408,425	\$2,801,025
Class D Felony	\$6,300 - \$12,300	28	56	\$300,720	\$601,440
Aggravated Misdemeanor	\$3,100 - \$7,000	-20	-39	(\$77,600)	(\$151,320)
Serious Misdemeanor	\$250 - \$4,200	-97	-194	(\$31,193)	(\$63,826)
Net Change		0	0	\$1,600,352	\$3,187,319

Sources

Department of Human Rights, Division of Criminal and Juvenile Justice Planning
Department of Corrections
Office of the State Court Administrator
Office of the State Public Defender

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
